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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,129	12/28/2001	Barry Edward Schliesmann	SPTV-01101US0	1610

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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/034,129

Applicant(s)

SCHLIESMANN ET AL.

Examiner

Sumaiya A. Chowdhury

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-32 and 34-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-32 and 34-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/2/07 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 21-32, and 34-44 have been considered but are moot in view of the new ground(s) of rejection.
 - (a) Applicant argues that Omoigui does not teach the amended limitations. In particular, Applicant argues Omoigui does not teach the customer premise equipment stores the alert parameter for only one output device, the sever is located remote from the customer premise equipment, and the customer premise equipment does the comparing of the event data and alert parameter.

Examiner has brought in Iki (6,008,802) to teach the limitations of the amended claim.

Claim Rejections - 35 USC § 102

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21, 24-25, 28, 30-32, 34-36, 38-39, and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Iki (6008802).

As for claim 21, Iki teaches a method for generating notifications, comprising:

receiving event data at customer premise equipment (100 – Fig. 1; col. 4, lines 48-59), said event data is received via a network from a server located remote from said customer premise equipment (col. 3, line 57 – col. 4, line 6), said event data provides information about an event occurring within a program not currently being viewed (col. 5, lines 3-34), said customer premise equipment (STB) is local to a user (col. 3, lines 1-15) and said server is located remote from said user (col. 3, line 57 – col. 4, line 6);

comparing said event data (subsidiary information) to an alert parameter (target data), said comparison is performed at and by said customer premise equipment, said customer premise equipment stores said alert parameter for only one output device (102 – Fig. 1) – (The viewer preferences are compared with the event data to determine if there is a match between the two – col. 5, lines 3-35); and

providing an alert (indicator) for said user of said customer premise equipment via said output device if said received event data satisfies said alert parameter – (An alert is displayed to the user, when a match is detected – col. 6, lines 44-49).

As for claim 25, Iki teaches:

said event data includes event messages – (Fig. 5; col. 5, lines 10-26);

said event messages includes a channel number (NBC), event categorization (Basketball) and event description (Jordan).

As for claim 28, Iki teaches:

providing an interface for said user to specify said alert parameter – col. 6, lines 7-10;

receiving said alert parameter via said interface – col. 6, lines 7-10;

storing said alert parameter – col. 6, lines 7-10;

As for claim 30, Iki teaches:

said receiving event data includes receiving said event data from a server at a head-end premises – col. 3, line 57 – col. 4, line 6.

Claim 31 contains the limitations of claims 21 and 30 and is analyzed as previously discussed with respect to those claims.

As for claim 34, Iki teaches:

said alert indicates an occurrence of said first event – col. 6, lines 45-49; and

said alert parameter identifies said first event – col. 6, lines 7-10.

Claim 35 contains the limitations of claims 21, 28, 30 and is analyzed as previously discussed with respect to those claims.

As for claim 36, Iki teaches:

said customer premise equipment includes a set-top box – col. 3, lines 3-5.

Claim 39 contains the limitations of claim 28 and is analyzed as previously discussed with respect to that claim.

As for claims 24 and 38, Iki teaches:

providing a mechanism for said user to record said program not currently being viewed in response to said alert (col. 6, lines 52-58).

As for claim 32, Iki teaches:

said event data is received while a second visual program is displayed in association with said customer premise equipment – col. 4, lines 59 – col. 5, line 2.

As for claim 42, Iki teaches said server is located at a head-end premises (col. 3, line 57 – col. 4, line 7).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 22-23, 26-27, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iki in view of Omoigui.

As for claim 22, Iki teaches said output device is a television as discussed above in claim 21. However, Iki fails to teach:

providing a mechanism for said user to tune in said program not currently being viewed on said output device in response to said alert.

In an analogous art, Omoigui teaches providing a mechanism for said user to tune in said program not currently being viewed in response to said alert – [0040].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Iki's invention to include the above mentioned limitation, as taught by Omoigui, in order of providing the convenience of tuning to the program instantly.

As for claims 23 and 37, Iki and Omoigui disclose the claimed limitations. In particular, Omoigui teaches:

said providing a mechanism includes displaying a user interface which provides an input item for a user to select and tuning in said program not currently being viewed in response to said user selecting said input item – [0040], line 6+.

As for claim 26, Iki and Omoigui disclose the claimed limitations. In particular, Iki teaches:

displaying a first program (program currently being viewed by the user) on an output device, said program not currently being viewed is a second program (program recommended in the alert) – col. 4, line 59 – col. 5, line 2;

Omoigui teaches:

providing a mechanism for said user to tune in said second program in response to said alert – [0040].

As for claim 27, Iki and Omoigui disclose the claimed limitations. In particular, Iki teaches:

said first program and said second program are broadcast television programs – (broadcast TV shows, col. 4, line 59 – col. 5, line 2); and

said providing a mechanism includes displaying an interface (PIP) on a television displaying said output device while said output device is displaying said first program, said output device is a television – col. 6, lines 44-49

7. Claims 29, 43, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iki in view of Kim (6618057)

As for claim 29, Iki teaches wherein:

said customer premise equipment includes a set-top box and receiving event data, comparing said event data and providing said alert as discussed above.

However, Iki fails to teach an STB running JavaScript code.

In an analogous art, Kim teaches an STB running JavaScript code for compatibility of applications with the STB – col. 3, lines 60-65.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Iki's invention to include the above mentioned limitation, as taught by Kim, for the advantage of compatibility of applications with the STB.

Claim 43 contains the limitations of claims 21, 25, 28, and 30-32 and is analyzed as previously discussed with respect to those claims.

As for claim 44, Iki and Kim disclose the claimed limitations. In particular, Iki teaches said customer premise equipment includes a set-top (104 – fig. 1) box connected to a video monitor (102 – fig. 1); (col. 3, lines 4-6, lines 12-13).

8. Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iki as applied to claim 21 and 31 respectively above, and further in view of Lefebber (US 2002/0046299).

As for claims 40 and 41, Iki fails to teach:

Said server is a network service provider receiving data feeds from one or more data feed providers.

In an analogous art, Lefebber teaches server (101 – fig. 1) is a network service provider receiving data feeds from one or more data feed providers (108 – fig. 1) – [0034], [0036].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Iki's invention to include the above mentioned limitation, as taught by Lefebber, for the advantage of minimizing the amount of processing and data received at the server.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC



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